

REMARKS

Claim 12 has been amended. No new matter has been added. Claims 12 to 24 are now pending.

Applicants respectfully request reconsideration of the present application in view of this response.

Claims 12 to 17, 20, 21 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,317,568 to Bixby et al. ("Bixby reference") in view of U.S. Patent No. 6,535,910 to Suzuki et al. ("Suzuki reference").

As discussed, the Bixby reference purportedly concerns a method and apparatus for managing and facilitating communications in a distributed heterogeneous network. Title and Abstract, lines 1-3. The Bixby reference refers to a method and apparatus wherein communications managers reside in local processing environments and are responsible for interfacing local end users with the remainder of the heterogeneous network, each communications manager receiving distribution units from end users, the distribution units being assigned various priority levels and levels of assurance. Abstract, lines 3-9. The Bixby reference further refers to configuring the distribution unit according to a network protocol stack existing between the communications managed and an adjacent communications manager, the distribution units being transmitted according to priority. Abstract, lines 9-16. The Bixby reference also purportedly concerns load distribution among a complex of processors that share common functions, as well as control of information flow between adjacent communications managers. Abstract, lines 16-23.

The Suzuki reference purportedly concerns an electronic mail system utilizing a computer network, the received mail being accumulated in a mailbox corresponding to the destination address mail ID for the purpose of management. Abstract, lines 1-4. The Suzuki reference recites that if the received mail exceeds the specified capacity of the mailbox, any additional mail is not accumulated and dispersed. Abstract, lines 4-6. The Suzuki reference further refers identifying the electronic mail as to its application purpose, and a mailbox is provided for accumulating mail for each mail ID preset for each user of the electronic mail system, and for each application class of mail content. Abstract, lines 6-15. According to the Suzuki reference, a mail server stores and reads mail to and from the mailbox through designation of the mail ID and mail application class. Abstract, lines 15-18.

In contrast, claim 12 concerns a method for transmitting information, comprising the steps of:

using a data structure that is defined by a formal language called Abstract Syntax Notation One; and
transmitting the information encoded as text.

It is respectfully submitted that the Bixby reference and the Suzuki reference are not combinable, and if combinable do not teach or suggest the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting the information encoded as text.

The Bixby reference teaches away from claim 12 of the present invention, and thus cannot be used to render claim 12 obvious. The Bixby reference at col. 57, lines 1-18 recites that it transmits its information using BER encoding – in direct contrast to the present invention as claimed in claim 12. See Present Application, Specification, page 5, lines 5-29.

The method of the present invention, as claimed in claim 12, allows use of customary text-based transmission protocol, and the encoded contents can be read (i.e., decoded) without accessing additional tools/references. *Id.* Applicants respectfully submit that the Bixby reference teaches using BER encoding (see column 57) in connection with ASN.1 in contrast to the present application. The Suzuki reference cannot save such a deficiency of the Bixby reference.

Moreover, the Bixby and Suzuki references are not properly combinable. There is no motivation or suggestion in any of the Bixby and Suzuki references to cause one of ordinary skill in the art to combine the Bixby reference with the Suzuki reference. The Federal Circuit has stated that the “test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” *In re Kotzab*, 55 USPQ.2d 1313, 1317 (Fed. Cir. 2000). The Suzuki reference does not concern the same subject matter as the Bixby reference, and the Bixby reference concerns using a different encoding in direct contrast to the present application.

Accordingly, it is respectfully submitted that the Bixby and Suzuki references, alone or in combination do not properly describe or suggest the features of claim 12, and withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

Claims 13 to 17, 20, and 21 depend from claim 12, and are thus allowable for at least the same reasons as claim 12. Claim 23 contains analogous features to those of claim 12 and is allowable for essentially the same reasons as claim 12.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) of claims 12 to 17, 20, 21, and 23 over the Bixby reference in view of the Suzuki reference be withdrawn, and that those claims be held allowable.

Claim 18 and 19 were rejected under 35 U.S.C. § 103(a) over the Bixby reference in view of the Suzuki reference and further in view of U.S. Patent No. 5,836,008 to Goumillou (the “Goumillou reference”).

Claims 18 and 19 depend from claim 12. As discussed above, the Bixby and Suzuki references do not describe or even suggest all of the features of claim 12; and, those references are not properly combinable.

Further, the Goumillou reference does not cure the deficiencies of the Bixby and Suzuki references. The Goumillou reference purportedly concerns a system for transmitting information between a source and a receiver via a network to which is connected telecommunications equipment (comprised of a plurality of interfaces for various communication services) and an interface between the telecommunications equipment and external administration equipment. Abstract, lines 1-6. The Goumillou reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting the information encoded as text.

Accordingly, it is respectfully submitted that neither the Bixby reference, the Suzuki reference nor the Goumillou reference, alone or in combination, describe or even suggest the foregoing features of claim 12. Thus, since claims 18 and 19 depend from claim 12, those claims are allowable for at least the same reasons as claim 12.

Claim 22 and 24 were rejected under 35 U.S.C. § 103(a) over the Bixby reference in view of the Suzuki reference and further in view of U.S. Patent No. 5,892,950 to Rigori et al. (the "Rigori reference").

Claim 22 depends from claim 12; and claim 24 contains features analogous to those of claim 12. As discussed above, the Bixby and Suzuki references (even when taken together) do not describe or even suggest all of the features of claim 12.

The Rigori reference does not cure the deficiencies of the Bixby and Suzuki references. The Rigori reference purportedly concerns an applications programming interface to a telecommunications management network having a command language interpreter and a compiler. Abstract, lines 1-3. The interpreter includes interpreter scripts for converting the network management parameters between the command string format and a network management protocol compatible format. Abstract, lines 5-8. The compiler compiles interpreter scripts for encoding and decoding user defined parameter types, which are then loaded dynamically to the interpreter. Abstract, lines 8-11. The Rigori reference does not describe or even suggest at least the foregoing features of claim 12, which include using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text.

Accordingly, it is respectfully submitted that neither the Bixby, Suzuki and Rigori references, alone or in combination (Applicants respectfully submit that it is improper to combine those references), describe or even suggest the foregoing features of claim 12. Thus, since claim 22 depends from claim 12, and claim 24

contains analogous features to claim 12, Applicants respectfully submit that claims 22 and 24 are allowable for essentially the same reasons as claim 12.

Accordingly, Applicants respectfully request that the rejections of the claims be withdrawn, and that the claims be held allowable.

CONCLUSION


In view of all of the above, it is believed that the 35 U.S.C. § 103(a) rejections of claims 12 to 24 have been obviated, and that all currently pending claims 12 to 24 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn in light of the further clarifications above, and that the present application issue as early as possible.

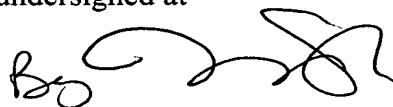
If for any reason the Examiner believes that contact with Applicants' attorney would advance the prosecution of this application, please contact the undersigned at the number given below.

Dated: Feb. 23, 2005

Respectfully submitted,

By:


Richard L. Mayer
(Reg. No. 22,490)


Reg. No. 47084

CUSTOMER NO. 26646

KENYON & KENYON
One Broadway
New York, New York 10004
1-212-425-7200